

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK (FOLEY SQUARE)**

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ERISA MOORE,  
Plaintiff,  
vs.

CASE NO. 1:23-cv-00673-PAE-SLC  
ECF Case

EXPERIAN; EQUIFAX; and  
TRANSUNION;  
Defendants.

**TRANS UNION, LLC’S ANSWER  
TO PLAINTIFF’S COMPLAINT AND  
AFFIRMATIVE DEFENSES**

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Trans Union, LLC (“Trans Union”), by counsel, responds to Plaintiff’s Complaint (the “Complaint”) as follows. For the Court’s convenience, Plaintiff’s allegations are set forth verbatim with Trans Union’s responses immediately following.

The nature and the substance of the Plaintiff’s cause of action is as follows: Other for \$10,000.00 with interest from 10/22/2021. Defamation of Character, Inaccurate Consumer report.

**ANSWER:** Trans Union denies that Plaintiff is entitled to any damages, costs, fees, or other relief from or against Trans Union. Trans Union denies that it violated the FCRA (or any other law).

**AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to state a claim against Trans Union upon which relief may be granted.
2. Plaintiff’s state law and common law claims are pre-empted by the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.
3. Trans Union’s reports concerning Plaintiff were true or substantially true.
4. Trans Union has at all times followed reasonable procedures to assure maximum possible accuracy of its credit reports concerning Plaintiff.

5. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

6. Plaintiff's claims are barred, in whole or in part, by 15 U.S.C. §§ 1681h(e) and/or 1681t.

7. At all relevant times, Trans Union acted within the absolute and qualified privileges afforded it under the FCRA, the United States Constitution, applicable State Constitutions and the common law.

8. Plaintiff's claims are barred, in whole, or in part, by the equitable theories of estoppel, waiver and laches.

9. Plaintiff has failed to take reasonable steps to mitigate his/her damages, if any.

10. Plaintiff's damages are the result of acts or omissions committed by Plaintiff.

11. Plaintiff's damages are the result of acts or omissions committed by the other parties over whom Trans Union has no responsibility or control.

12. Plaintiff's damages are the result of acts or omissions committed by non-parties to this action over whom Trans Union has no responsibility or control.

13. Any claim for exemplary or punitive damages asserted by Plaintiff violates Trans Union's rights under the Due Process and Excessive Fines clauses of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and the analogous provisions of applicable State Constitutions and under the First Amendment of the United States Constitution and the analogous provisions of applicable State Constitutions.

14. Trans Union reserves the right to assert additional defenses as may become apparent through additional investigation and discovery.

WHEREFORE, Defendant Trans Union, LLC, by counsel, denies that Plaintiff is entitled to judgment or to any of the relief sought, and respectfully requests that judgment be entered in its favor and against Plaintiff on all counts set forth in the Complaint, and that Trans Union, LLC, be awarded its costs incurred in defending this action, along with such other relief as this Court deems equitable and just.

Date: February 1, 2023

Respectfully submitted,

/s/ Camille R. Nicodemus

Camille R. Nicodemus, Esq.

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*Counsel for Defendant Trans Union, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been filed electronically on the **1<sup>st</sup> day of February, 2023**. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

Justin Harris, Esq. <a href="mailto:justinharris@jonesday.com">justinharris@jonesday.com</a>	
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The undersigned further certifies that a true copy of the foregoing was served on the following parties via First Class, U.S. Mail, postage prepaid, on the **1<sup>st</sup> day of February, 2023**, properly addressed as follows:

<b><u>Pro Se Plaintiff</u></b> Erisa Moore 780 Astor Avenue, 2C Bronx, NY 10467	
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*/s/ Camille R. Nicodemus*

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*Counsel for Defendant Trans Union, LLC*